

SENATE BILL NO. 491

INTRODUCED BY M. TAYLOR, BECK, BERRY, BISHOP, BOHLINGER, BUTCHER, CHRISTIAENS,
COCCHIARELLA, COLE, CRISMORE, DEPRATU, DOHERTY, ELLINGSON, ELLIOTT, ELLIS, GLASER,
GROSFIELD, HALLIGAN, HARGROVE, R. JOHNSON, MAHLUM, MCNUTT, O'NEIL, RYAN, SPRAGUE,
TASH, TESTER, F. THOMAS, TOOLE, J. WELLS, BRANAE, BUZZAS, CARNEY, CLANCY, DELL,
EGGERS, FISHER, FRITZ, FUCHS, GALLIK, HAINES, GALLUS, GALVIN-HALCRO, GILLAN, HARRIS,
HURDLE, JENT, KEANE, LASLOVICH, LEE, LENHART, MCCANN, MOOD, MUSGROVE, A. PETERSON,
K. PETERSON, RIPLEY, ROME, SCHMIDT, SMITH, STEINBEISSER, B. THOMAS, WANZENRIED
BY REQUEST OF THE SENATE ENERGY AND TELECOMMUNICATIONS STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A SELLER OR TELEMARKETER REGISTERED
UNDER THE MONTANA TELEMARKETING REGISTRATION AND FRAUD PREVENTION ACT FROM
BLOCKING ACCESS TO THE SELLER'S OR TELEMARKETER'S PHONE NUMBER; AMENDING SECTION
30-14-1412, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-14-1412, MCA, is amended to read:

"30-14-1412. Abusive acts and practices. (1) It is an abusive telemarketing act or practice and
a violation of this part for any seller or telemarketer to engage in the following conduct:

(a) use threatening, intimidating, or profane or obscene language;

(b) engage any person repeatedly or continuously with behavior a reasonable person would
consider annoying, abusive, or harassing;

(c) initiate a telemarketing call to a person who has stated previously, in compliance with 16 CFR
310 and 47 CFR 64.1200, that the person does not wish to receive solicitation calls from that seller or
telemarketer;

(d) engage in telemarketing to a person's residence at any time other than between 8 a.m. and
9 p.m. local time at the called person's location; ~~or~~

(e) engage in any other conduct that would be considered abusive to any reasonable consumer;

or

1 (f) INTENTIONALLY block a person using caller identification or "*69" from accessing the seller's or
2 telemarketer's phone number. IT IS NOT A VIOLATION OF THIS SUBSECTION (1)(F) TO PROVIDE A REASONABLE
3 SUBSTITUTE NAME AND NUMBER THAT ACCURATELY IDENTIFY THE ENTITY CAUSING THE CALL TO BE MADE AND A WORKING
4 TELEPHONE NUMBER AT WHICH THE ENTITY'S PERSONNEL CAN BE CONTACTED.

5 (2) The department or the attorney general may seek injunctive or declaratory relief or any other
6 remedy provided in Title 30, chapter 14, part 1, for any violations of this section."

8 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2001.

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